

EXPLANATION OF THE THIRD NULLIFIER: LESSON 1

Explanation by the noble Imām, Shaykh al-‘Allāmah Abū Mālik at-Tamīmī (تقبله الله)

In the Name of Allah, Ar-Rahman, Ar-Raheem, all Praise belongs to Allah, the Lord of Mankind, may the most perfect and complete Peace and Blessings of Allah be upon the most noble of Prophets and Messengers, our Prophet Muhammad with the best prayers and the most commendable of salutations be upon him and his household.

Glory be to you (O Allah), we have no knowledge except that which you have taught us, Indeed you are the All-Knowing, All-Wise. O Allah grant us Fiqh in the religion and teach us its true interpretation. O Allah, teach us that which benefits us, and allow us to benefit from what you have taught us, and increase us in guidance, piety, righteousness, correctness, and right direction. O Lord of Mankind.

My beloved noble brothers, we will be studying in today’s class, a matter from the enormous matters and it is a matter which has been affirmed by the Scholars of the past and present, and this issue has caused confusion to some people, and a type of confusion has occurred in it.

So, by the permission of Allah during these classes, we will try to lay out the principles of this matter **according to pure Islamic foundations**, so that Allah may inspire and reveal to us the path of success and correctness.

A **fundamental** rule from the fundamental rules of the Shari’ah which was affirmed by the Scholars, and it is the rule:

“Whoever doesn’t make Takfir upon the Kafir, or doubts in his disbelief, or corrects his ways, is a Kafir.”

And before starting to clarify the rulings and matters related to this rule, I would like to use a particular approach with you in these lessons, and it is from the long-practised disciplined approaches, and it is laying out the foundations, then giving into the sub-branch issues (applications).

Meaning, that I will mention to you right now the firmly established *Usul* (principles) that we will mention as we’re speaking, from matters that fall under this rule, for indeed if a person precisely understands the *Usul* (principles), he will be fine with the application.

And as it’s determined by the Scholars of *Usul*, the “*Asl*” (core foundation) is what other things are built upon from it, and the “*Far’*” (sub-branch) is what’s built upon something else.

Is there a difference or not? There's a difference, the Asl is what other things are built upon, whereas the Far' (sub-branch) is what's built upon something else.

So, if a person's *Ta'sil* (principles) are valid, his *Tafri'* (application of those principles) will be correct. And if there's a fault in the principles, what would the result be? An error in the application and this is why the Scholars say, "Whatever is built upon falsehood, is falsehood".

So, if the Asl (core foundation) is correct, then it's necessary that what's built upon it is going to be correct. And if the Asl (core foundation) is corrupt, then what's built upon it is also going to be corrupt.

The first principle from the established *Usul* which we'll bring forth in our discussion on the matters related under this rule,

The First Principle: Is that the one who falls into Major Shirk in the Clear Matters, is a Kafir Murtad, whether he was ignorant or had a misinterpretation.

Now, we will mention these principles, and it must be accompanied with us under every issue that we speak about this rule, so these principles that we're going to mention right now must be present with us.

The Second Principle: The rule of whoever doesn't make Takfir upon a Kafir (becomes a Kafir), is an agreed upon rule amongst the Righteous Predecessors of the Ummah and the Great Imams.

This Ijma' is a consensus upon it in general, and there are precise details which we'll clarify insha'Allah while speaking about the issues related to this topic, it consists of *Tafsil* (elaboration) and clarification.

Therefore, we say: Verily the Scholars have affirmed that whoever doesn't make Takfir upon a Kafir, becomes a Kafir, however when does he disbelieve? This is what we'll be going through insha'Allah while studying this fundamental rule.

Therefore, this rule isn't upon that supposed absoluteness (i.e., left unrestricted) as some think, rather there are guidelines and conditions, insha'Allah we'll clarify it soon.

The Third Principle: Indeed, this rule isn't as some claim as being an innovation from Imam Muhammad Ibn 'Abdil-Wahhab (رحمه الله).

Because there are those misguided individuals who say that this rule was invented and innovated by Imam Muhammad Ibn 'Abdil-Wahhab (رحمه الله), and this isn't correct, and it is a feeble claim void of proof, in fact it is a pure fabrication and lie.

Rather this rule is affirmed by the Scholars of the Past, and the one who reads and examines the statements of the Scholars would see that this rule is Apparent in their Foundations (laid out).

Hence, this rule has been mentioned from Sufyan Ibn ‘Uyaynah (رحمه الله), and also Imam Ahmad Ibn Hanbal (رحمه الله), and Abu Zu’rah (رحمه الله), and Muhammad Ibn Sahnun (رحمه الله), and also Abu Bakr Ibn ‘Ayyah (رحمه الله), and Yazid Ibn Harun (رحمه الله), and a large group from the Imams of the Salaf.

And likewise, Shaykh al-Islam Ibn Taymiyyah (رحمه الله), Al-Qadi ‘Iyadah (رحمه الله), A’immat al-Da’wah (i.e., Imams of Najd) and other than them who have mentioned this rule.

Therefore, this rule isn’t as some say, as being an innovation from Imam Muhammad Ibn ‘Abdil-Wahhab (رحمه الله), rather it is a rule which the Salaf of the Ummah have spoken about in the past. The one who examines their statements and narrated quotes from them, he would find that manifestly apparent while going through these quotes that are mentioned from them, and we will shortly move to these quotes insha’Allah, and we’ll stop at it with some pauses (to address it).

The Fourth Principle: That the one who falls under this nullifier Is committing Kufr, what is this nullifier? “Whoever doesn’t make Takfir upon the Kafir”, he is committing Kufr according to the Consensus of the Scholars.

Thus, Kufr is tagged along with him to begin with at times, and after the establishment of the Hujjah at other times, as it will be clarified and elaborated soon, that the one who falls under this nullifier is committing Kufr by Ijma’, and Kufr is tagged along with him to begin with at times, and after the establishment of the Hujjah at other times.

This is what we affirmed in the principle that was mentioned before it, that this rule is unanimously agreed upon in general, and there are details attached to it.

The Fifth Principle: That the Manat of Kufr (the cause to which Kufr is tied too) for this Nullifier is “Denial, Rejection and Opposing the Judgement of Allah after knowing it.”

And this *Manat* (cause to which kufr is tied too) has numerous proofs in the Book of Allah, the Exalted and Majestic.

Allah says,

وَلَكِنَّ الظَّالِمِينَ بِآيَاتِ اللَّهِ يَجْحَدُونَ

“But it is the verses of Allah that the wrongdoers reject.” [6:33]

Allah also says,

وَمَا يَجْحَدُ بِآيَاتِنَا إِلَّا الْكَافِرُونَ

“And none reject Our verses except the disbelievers.” [29:47]

Allah also says,

وَمَا يَجْحَدُ بِآيَاتِنَا إِلَّا الظَّالِمُونَ

“And none reject Our verses except the wrongdoers.” [29:49]

Precisely determining this (5th) principle and keeping it accompanied with us while speaking the matters related to this topic is crucially important, because as we have affirmed, that the Methodology which we will follow (in teaching) is *Ta'sil* (establishing the principles), then *Tafri'* (application).

Because most of the times, mistakes occur either in *Tafri'* (application) without *Ta'sil* (principles), or by incorrect *Ta'sil* (principles) then *Tafri'* (application), or some of them determine an *Usul* by taking it from a *Furu'* (end-result) in some issues, whereas it could only be application in some situations.

But in any case, inconsistencies in one's methodology, most of the time incurs mistakes and distortions, that's why you find there are sects which went astray due to a fault in the *Ta'sil* (establishment of the principles).

So, for example, they would give precedence to the ambiguous (text) over the clear (text), or they make what is ambiguous as something explicitly clear, or they make it into an *Asl* (core foundation) in which they construct as a basis, while there is an affirmed clear text, etc...

The Sixth Principle: What is excluded from the generality of this rule are the differed upon ijthadi matters, of which the Scholars have differed upon.

For example: such as the ruling on the abandoner of Salah, the abandoner of Siyam, the abandoner of Zakat, the abandoner of Hajj, etc...

And our discussion here about the *Khilaf* (difference of opinion) between the Scholars is in 'abandoning', not 'denying' (these rituals), for indeed the denial (of these rituals) is agreed upon (as being Kufr), even if the individual performed them, and established these rituals while he denies their obligation, he would become a Kafir.

(For instance) A man always prays 5 times a day, and never misses a single Salah, however he denies its obligation, he would become a Kafir. A man who adheres to fasting the month of Ramadan, and he never misses it at all, however he denies its obligation, he would become a Kafir, even if he fasts.

Therefore '*Juhud*' (denial) is one issue, and '*Tark*' (abandoning) is another issue, likewise what is excluded from the general meaning of this rule are the *Mawani*' (preventions of Takfir) which the Scholars differed upon in its particular minute details.

For example: stipulating *Bulugh* (reaching maturity) for the validity of apostasy to apply (upon the individual).

Meaning, from the conditions or affirmation of apostasy (to occur) is "al-Bulugh", this is disputable between the Scholars, and the place of dispute is in the age of "*Tamyiz*" (when does one become a Mumayyiz).

There is an Usuli method that the Scholars follow, which they call 'Settling the Place of Dispute', who can clarify what "settling the place of dispute" means?

Students answering

Excellent! What is meant by settling the place of dispute, is to mention the points that are agreed upon, then after that, mention the point that's differed upon (to solve it).

So, for example: the Scholars have unanimously agreed that apostasy occurs upon the person who has reached Bulugh (maturity), and it's valid, and that he's responsible for his actions, to be held to account, and to be punished.

Also, the Scholars have unanimously agreed that the child who is under the age of "Tamyiz", doesn't have apostasy occur upon him, and we have clarified that previously, and we stated: That if there's a boy where he could utter come words of disbelief.

For example: You say to a boy, do you love Allah? The boy might say "No", it's possible that a similar word can come out from him, similar to this word.

So, right now, he is under the age of "Tamyiz", thus is apostasy applied upon him in such a situation? We say: no, and this is agreed upon.

What remains is the phase, which is between these two ages, (between) the age of Bulugh and above the age of Tamyiz, so the age of Tamyiz here is differed upon by the Scholars in defining it.

Some of them said: The borderline of Tamyiz: Is when the child understands speech, and is able to respond, i.e., if he is asked something, he understands the question, and gives a good answer.

This Criterion for *Tamyiz* doesn't have a restricted age, so it could occur at an earlier age, or it could be later. Since you can find a child who becomes 8 years old, and he hasn't reached this "border-line", and you will find some who are less than this age & are able to distinguish (i.e., understand & respond).

The second view: Which is the correct opinion, and Allah the Exalted is the most High and knows best, is that the border-line for the age of Tamyiz is 7, so if the child becomes 7 years old, he is considered a Mumayyiz in the Islamic point of view, and this view is solidified by proof.

Where in the Prophet (ﷺ) said:

*"Command your children to pray when they become seven years old and beat them for it (prayer) when they become ten years old." [Agreed Upon]*¹

¹ Transcriber's note: This hadīth is from 'Amr Ibn Shū'aib from his father, from his grandfather that the Prophet (ﷺ) said:

"Order your children to pray when they reach the age of seven. Hit (lightly) them (if they don't pray) when they reach the age of ten. And have them sleep separately".

This hadīth is related by Ahmad, Abū Dāwūd and Hākim (who brings it as Sahīh according to Muslim's criteria). There's a lot of disputes about this hadīth. It's come from many chains of narration.

Some accepted it as from the Prophet (ﷺ), some accepted it as being a mawqūf hadīth from a Sahābī, so that it would be from their statement, and some reject it outright. Allāhu A'lam, but the strongest opinion on this is that it's not authentic from the Prophet (ﷺ) or from a Sahābī.

If we look at all the chains of narration, they all contain at least one defect in them.

a) For example, the hadīth from 'Amr Ibn al-'Ās which is the hadīth that was stated above that's narrated by Ahmad, Hākim and others, contains a narrator named Siwār Ibn Dāwūd who's a weak narrator.

b) Another narration of the hadīth by 'Amr Ibn al-'Ās contains a defect of Khalīl Ibn Marra and al-Layth Ibn Abī Aslam who are both weak.

c) Then there's a narration from Anas Ibn Mālik which contains a narrator who is a fabricator of hadīth.

So, all of the hadīth contain at least one defect, if not more, and some of them are extremely harsh defects, so this type of hadīth wouldn't be acceptable on its own or with the strengthening narrations.

This has been taken from Shaykh Haytham Sayfaddīn's "Commentary on Fiqh as-Sunnah: Kitāb as-Salāt" (Lesson 6/15).

So, there are moral obligations, or there is some kind of speech in the Shari'ah addressing the child that's 7 years old.

Based upon that, we know that Tamyiz is from the age of 7 until the age of maturity. Whereas Bulugh (maturity) occurs by 3 things with respect to the boy, and the woman has an additional indicator, which is the menses.

The boy (reaches Bulugh) by emission; the emission of semen, growth of body hair, roughness around the facial area, and reaching 15 years of age.

Is it possible that the boy reaches maturity before the age of 15?

We say: Yes, and the Scholars also differentiated between the cold areas and hot areas, and the discussion concerning this is lengthy.

The reason why I mentioned this matter, is that stipulating Bulugh (reaching maturity) as a condition for apostasy or the validity of apostasy to be affirmed (upon an individual), is a disputable matter between the Scholars.

For example: The opinion of Imam Abu Hanifah (رحمه الله) and his companion Muhammad Ibn al-Hassan (رحمه الله), and also Ahmad in a narration from him, is that Bulugh isn't a stipulated condition for the validity of apostasy to be applied (upon an individual), what do we understand from this?

That if the *Mumayyiz* happens to come out with a Kufr statement, or a Kufr action, he is judged upon with Kufr. Except that they stated: Verily the *Ahkam* (rulings) related to *Istitabah* (repenting from apostasy) is delayed and postponed until the age of Bulugh.

So, what is the benefit of this differentiation? *****Students discuss*****

Yes, excellent! (It was said: the benefit from his is the inheritance), because even if we delayed the rulings of *istitabah* (repenting from apostasy), however if the *Mumayyiz* is judged upon in this situation with apostasy, then there is no inheritance between him and his Muslim relatives even if he was married.

Meaning, that what incurs from his apostasy as well is the dissolving of the bond of his marriage contract, is it permissible to imagine a *Mumayyiz* boy being married? Yes, it is present.

Student: O Shaykh, so if this child died, he is not to be washed etc?

Shaykh: That is based upon this opinion, however it's a weak opinion, and we'll show the correct view insha'Allah.

And the second opinion: It was adopted by Abu Yusuf from the companions of Abu Hanifah, and the Shafī'yyah, and Ahmad in the most dominant of the two narrations from him. It is that apostasy isn't affirmed and isn't valid (to be applied) upon a Mumayyiz who is under the age of Bulugh.

So based upon that (i.e., upon this view), the Mumayyiz child and other than the Mumayyiz are equal in the ruling (meaning they must reach Bulugh for apostasy to apply), and this is what's correct, and Allah is the Most High and Knows best. Since the speech addressed in the Shari'ah and the moral obligations in the Shari'ah are tied to Bulugh (reaching maturity).

*"The pen has been lifted from 3"*², and the child until he reaches maturity is among those who have been mentioned.

² *Transcriber's note:* 'Ā'ishah (رضي الله عنها) narrated that the Prophet (صلى الله عليه وسلم) said:

"The pen is raised for three (meaning: there is no obligation upon three): one who is sleeping until he awakens, the child until he becomes an adult, and one who is insane until he becomes sane".

As to the authenticity of this report, it is recorded by Ahmad, Abū Dāwūd, at-Tirmidhī, an-Nasā'ī, Ibn Mājah and Hākim who grades it as Sahīh according to the criterion of Bukhārī and Muslim, and Tirmidhī classed it as hasan. As for this specific phrasing of the hadīth, the closest phrasing that was found was narrated by Bayhaqī from 'Alī.

There's lots of dispute about the authenticity of this hadīth. It's narrated from many of the Sahābah, it's narrated from 'Ā'ishah (رضي الله عنها), and that's collected by Abū Dāwūd and Nasā'ī, Ibn Mājah, Tirmidhī in "Ilāl al-Kābir" and others.

It's also narrated from 'Alī (رضي الله عنه), and from 'Alī, it's come from his statement and from the statement of the Prophet (صلى الله عليه وسلم). So, there's a dispute who it actually belongs to. It also has come from other Sahābah as well, but to shorten the discussion, the strongest opinion on this hadīth is that it's narrated from the statement of 'Alī (رضي الله عنه) and it's collected by Abū Dāwūd.

The story behind the hadīth is that 'Umar (رضي الله عنه) was brought a woman who had performed zinā and she wasn't sane. So 'Umar was going to execute her, but 'Alī (رضي الله عنه) questioned 'Umar about the woman and 'Umar explained. So 'Alī said, "Don't you know that the pen has been raised off three..." and he told him the hadīth. 'Umar (رضي الله عنه) then affirmed what he said and let the woman go and began to make takbīr due to the being reminded about the ruling of this situation and its importance.

Based upon this, the strongest opinion is that the hadīth is from 'Alī (رضي الله عنه), but it takes the ruling of a marfu' hadīth, because 'Alī (رضي الله عنه) said to 'Umar "Don't you know" or "Haven't you heard" and 'Umar confirmed, so there's an indication here that they've heard this before and that these are rulings that aren't related to ijtihād. There needs to be some sort of textual evidence to prove that these specific people aren't held accountable for their actions until something else happens.

This has been taken from Shaykh Haytham Sayfaddīn's "Commentary on Fiqh as-Sunnah: Kitāb as-Salāt" (Lesson 6/15).

And we mentioned the signs of Bulugh, and you can say the same thing in regards to the intoxicated person, because the Scholars arrange & classify the removal of the mind, or the Scholars categorise it into different categories.

Removal (of the mind) due to a permissible cause and removal (of the mind) due to a prohibited cause.

And the removal (of the minds) due to a permissible cause: It includes what is by the choice of an individual, and it includes what isn't done by the choice of an individual.

The choice of a person is like: A surgery operation, so the doctor says to him: "We will place for you this anaesthetic" for instance.

The removal of the mind here is due to a permissible cause.

And a cause which is outside the will of an individual is like deep sleep, epilepsy, and it could overcome an individual's eyes, so he falls asleep.

The removal of the mind due to a prohibited cause: Is through drinking alcohol. As for the removal of the mind due to a permissible cause, then the Scholars are in agreement that apostasy doesn't occur, and this isn't the place that concerns us.

What concerns us is intoxication, the Scholars have differed here, so those who say that it occurs, and those who say that it doesn't occur, does this scenario fall under this rule (the 3rd nullifier), is the scenario about Taymiz (we previously discussed) through which the Scholars differed upon fall under this rule?

We say no. Because we have affirmed that the differed upon matters which are open to Ijtihad between the Scholars is outside of this rule. So, it's not possible that someone comes along and constructs (his own principle).

Look, if the Asl (foundation) becomes incorrect, it would result in an incorrect Tafri' *(application), so he makes an Asl and comes to say:

"You did not make Takfir upon the Mumayyiz, this is sufficient, you're a Kafir, you didn't make Takfir upon whoever came with a statement of disbelief whilst drunk, etc...so you're a Kafir."

Even though what's correct from the statements of the scholars is that the words which come out from an intoxicated person (has apostasy) fall upon him, however the rulings of Istitaabah (to repent or face execution) is delayed until his mind returns back to him.

Since this view has a deterrence, because a person may belittle and be negligent in the issue of speaking statements or doing actions of disbelief, so he would resort to drinking alcohol, so that can be a means or a justification to saying these (Kufr) statements or doing these (Kufr) actions.

Because there are those from the perpetrators, and those amongst the criminals who have a Fiqh, so that's why the Scholars affirm that in some situations, an individual is dealt with in opposition to his intention.

Of course, the intention here by mentioning this matter isn't to get into the issue with its minute details and the proofs for both sides, but rather what's intended is that there are specific issues, there are matters, and there are impediments (i.e., preventions of Takfir etc), in which there's a difference of opinion between the Scholars, so it isn't included under this rule (3rd nullifier).

Likewise, from the important matters is the impediment of Ikrah (coercion), which is an agreed upon impediment (prevention of Takfir), the impediment of Ikrah is an agreed upon impediment in general, however the Scholars have differed over some of its specific aspects.

For instance: We have an Ikrah that is called '*Ikrah Mulji*' and '*Ikrah Ghayr Mulji*', is there a difference between the two?

Yes, there is, and what is the criterion for Ikrah al-Mulji (to occur)?

Students answering the question

Yes, excellent.

However, the Scholars have differed over this specific issue, so some of them expanded on one side, and others tightened it on the other side.

So, for example, some of them said:

"Verily, the *ijla*' (valid Ikrah) is actualised by mere imprisonment", such as the Shafi'iyyah.

And others tightened in that regard, and said:

"The *Ijla*' (valid Ikrah) isn't actualised until an individual is threatened with a matter which involves harm to oneself or loss of a limb or torture which the ordinary self cannot bear"

Why did we say, the ordinary self?

There are some amongst the people whom which one strike could make him say everything (or Kufr), or others without a strike.

Some of them for instance, not at all, he could bear hundreds of strikes, however in this situation, if there is nothing specified, then what we go by is along the ‘Urf (customs) and towards the average state of the people.

So, if he was amongst the average state of the people – for instance 50 intense strikes is enough (to bear & no more), so in this instance ilja’ (valid Ikrah) is actualised, etc. But the point from that in mentioning this issue, is that based upon this, there is a difference of opinion.

Are the scenarios of this difference of opinion included under this rule (i.e., 3rd nullifier)?

We say no. So, what you can say in that case, is because the Scholars have differed, they said: Is threatening sufficient for Ikrah to occur, or is it necessary that he gets afflicted with torture?

The majority of the Scholars in opposition to Ahmad said, yes the threat (of torturing) is sufficient (for Ikrah to occur).

What does threatening mean?

He says, if you do not do this, we will do such and such with you, and the vast majority of the Scholars said, yes, the threat is sufficient.

Whereas Ahmad said no, may Allah have mercy upon the Imam, rather he said: not until he is afflicted with torture.

That’s why the authors of the Siyar mention that Yahya Ibn Ma’in (رحمه الله) entered upon Imam Ahmad (رحمه الله), and Yahya Ibn Ma’in conceded, he took the concession, so he was released from prison.

As for Imam Ahmad, no. He chose fixed determination, and held firmly upon his views, so when Yahya Ibn Ma’in (رحمه الله) was visiting and entered upon him – may Allah have mercy upon them all – visiting (Ahmad), the Imam turned away from him.

So, Yahya Ibn Ma’in (رحمه الله) said:

“O Aba ‘Abdillah!!! The hadith of ‘Ammar”,

Still, Ahmad did not respond to him.

Look at the noble position of Yahya Ibn Ma’in, an Imam and an eminent man of knowledge amongst the guided ones, and a servant from the servants of the Sunnah. Still, Imam Ahmad (رحمه الله) turned away from him but pay attention. Imam Ahmad didn’t make Takfir upon him, while he took the concession (of Ikrah) by being

threatened. He said the threatening was sufficient, and this is what actualises ijla' (a valid Ikrah). So based upon that, he takes this concession.

So, when Imam Yahya Ibn Ma'in left, Imam Ahmad said:

“They use the hadith of ‘Ammar as proof, when ‘Ammar was afflicted with torture!”

Students: Allahu Akbar!

You guys know the story of ‘Ammar, he was lashed, and was harmed to an extent that when he came to the Prophet (صلى الله عليه وسلم), what did he say to him?

He said: “They did not leave me alone (in torturing me) until I spoke ill about you”, that he even spoke ill of the Prophet (صلى الله عليه وسلم).

So, the Prophet (صلى الله عليه وسلم) said to him: “how did you find your heart?”
He replied: “Comfortable with faith.”

The Prophet (صلى الله عليه وسلم) said: “If they do the same thing, then repeat what you did.”

Even if some of these narrations have criticism to it, the Scholars still use these narrations to make tafsir of the ayah.

So yes, in these specific issues, is being threatened sufficient (for Ikrah to occur) or is it necessary to be afflicted with torture?

This a difference of opinion based upon that the one who says, it's necessary to stipulate of the actualisation of ilja' (valid Ikrah) for e.g., that he is afflicted with torture.

So, based upon this, the one who gave in (by the threat) without being afflicted by torture, and was merely threatened, based upon this Ta'sil (principle), he is a Kafir.

However, we say, these issues aren't included within this rule (3rd nullifier), the rule of “whoever doesn't make Takfir upon the Kafir or doubts in his Kufr or normalises his beliefs, is a Kafir.”

Student: O Shaykh, even if we took Imam Ahmad's opinion, Imam Ahmad didn't make Takfir upon Imam Yahya Ibn Ma'in.

Yes, this is what we say and what we established. But we say, someone might come and insert the issues that are differed upon and open to Ijtihad under this rule, so we would say to him, no. The Scholars have remained differing in the likes of these matters, and none of them made Takfir upon each other.

There's something here which is of utmost important, although we may postpone it in the last class, but I'll point towards it.

If we know that the *Manat* (basis and reasons to which the ruling is tied too) of Kufr (for the 3rd nullifier) is denial and rejecting the texts and opposing it after knowing about it.

We differentiate between the one who refrains (in making Takfir) with the clearness of the doer's reality – because a category will come shortly with us, but I'll mention it briefly – there is a category which must be precisely understood to understand the issues of this rule.

Firstly: The action is clear and the reality of the doer (i.e., ruling upon the individual) is clear, so the action is clear, and the reality of the doer is clear, there is no avoidance in tagging along the ruling of Kufr upon whoever's situation is like this.

Secondly: The action is clear and the reality of the doer (i.e., ruling upon the individual) isn't clear (i.e., known in the religion by necessity by the Muslims), so here we say: The ruling (of Kufr) isn't tagged along with him immediately, but rather it's necessary to establish the Hujjah and remove the doubts.

Thirdly: The action is unclear, so here the circle for establishing the Hujjah is going to expand, i.e., whenever the clearness of a matter is manifest, establishing the Hujjah becomes tightened, and whenever unclearness is present, the circle of establish the Hujjah expands (i.e., requires more effort to establish it), etc.

The Seventh Principle: The people in this rule are divided into three types of people.

The first type: Those who intended the Haqq and attained it.

There's no doubt that this person is precisely correct, Allah has guided him, and for that reason, the Prophet (ﷺ) used to teach 'Ali, O 'Ali say in your du'a as it's narrated in the Sahih:

“O Allah, direct me to the right path and make me adhere correctly to the straight path. And when you make a mention of right guidance, keep in mind the right path and when you consider the straight (path), keep in mind the straightness of the arrow.”

The second type: Those who intended the Haqq and didn't attain that.

As for these people, it's not permissible to hasten and recklessly risk classifying them with some un-Islamic descriptions, because these people intended the Haqq and mistakenly didn't attain that. And they did not intend falsehood to begin with * attained what they wanted (of falsehood), is there a difference or not? There's a difference.

We know that there are those who are the seekers of the Haqq, however they mistakenly didn't attain that, doesn't this occur?

What has occurred from some of the Sahabah. Likewise, during the event of Qudamah Ibn Madh'un. He made a misinterpretation, however this ta'wil (misinterpretation) is mistaken, so we know that there are people who intend the Haqq. However, they mistakenly didn't attain that, and no one is infallible.

Is there anyone who is infallible from mistakes amongst mankind? No, except for the Prophets (على آله الصلاة والسلام) from what they convey on behalf of their Lord.

There's no doubt that guidance and returning back to the truth is wished for them, because the original intention is good.

Student: Pardon me O Shaykh, is that also regarding Asl ad-Din (foundations of the religion)?

No, we were speaking about this issue, we're speaking about "whoever doesn't make Takfir upon the Kafir, we are speaking about this rule, and all the principles that we are mentioning is related to this rule.

The third type: Those who wanted to bring about whims within themselves, we ask Allah for good-health and well-being, so he acted in his own hands (without sincerity for Allah's sake) and was prevented from attaining guidance and correctness. Thus, he went astray and led others astray.

The Final (Eighth) principle, because what will shortly come with us are the (matters of) clearness and unclearness. So, what would be advisable and suitable for us now is:

The Eighth Principle: Mentioning the criterion for the clear matters and the criterion for the unclear matters.

Without a doubt, we're still in the introduction at the moment, meaning we haven't delved deeply, and we didn't encompass the matters of this topics. This is because I clarified that the methodology which we are following by the permission of Allah, the Exalted, is at-Ta'sil (establishing the principles), then at-Tafri' (application).

Because if I begin to apply rulings whilst the principles aren't understood, then imagine what would happen by that? You will find a lot of objections, "How is this so? How is this so?", however once the Usul (principles) are precisely understood, you will feel at ease & be comfortable.

The Criterion for the Clear Matters: Every knowledge or every issue whose proof has become manifest, and the Ummah has unanimously agreed upon, and knowledge of it is apparent to the Scholars and Laymen.

Also, if this is precisely understood, it will benefit us in establishing the Hujjah and removing doubts, if we understand it well.

I have come to know that some people think that establishing the Hujjah and removing doubts means and assumes, is that you must come to him, then after that he sits for 30 mins explaining to him until he completely understands.

Not at all, this is all speech far from the truth, and this is not what the Salaf or the Scholars intended in this issue.

Yes, even though there are matters which stipulate understanding it (for the Hujjah to apply), and it is in the matters which may become unclear.

However, if it was from the matters of Usul (clear matters), then it's merely sufficed by the evidence reaching him in a language that the receiver (of the Hujjah) understands it in.

So, an Arab receives the message in the Arabic language is sufficient, and a non-Arabic receives the message in his tongue. Whether he understands or not, this is another issue.

That's why you tend to find in the context of the Qur'an in numerous places, the condemnation comes whilst the Hujjah of Allah has been established upon the Mushrikin, and despite that, you find (Allah saying):

"They have hearts with which they do not understand, they have eyes with which they do not see." [7:179]

So, what's intended by "hearing" is understanding, whilst they have "heard" and the Hujjah has been established upon them by mere hearing, with the condition that this "hearing" is in a manner wherein the receiver understands it, an Arab who is addressed in Arabic, etc. Thus, we know the criterion for the Clear Matters.

The Criterion of the Unclear Matters: It is every matter in which its knowledge is known to the people of Knowledge, instead of the Masses, due to its obscurity and unfamiliarity.

Likewise, from its stipulated guidelines is that it's not known in the religion by necessity, so every matter which isn't known in the religion by necessity, then it's from the unclear matters, whose knowledge is independently known by the people of knowledge instead of the masses.

Students talking

Thus, these are the principles which I wanted to place for our discussion concerning the matters of this topic, so that we can begin with at-Tafri' (applying the principles).

So we begin, seeking aid in Allah, with the first issue. The Scholars divide this rule or the people within this rule into several categories:

First Category: *Those which the text has explicitly make Takfir upon, individually, and they are divided into two types: groups and people or individuals.*

The groups are for example: Judaism, Christianity, Majus, Buddhists, etc. in which determining the rulings will come shortly insha'Allah.

The individuals are like: Fir'awn, Haman, Qarun, Iblis, Abi Lahab, and everyone whom the text has explicitly mentioned by name and specifically judging them with Kufr.

So, based upon this Ta'sil (established principle), right now you are supposed to have understood this category, Have you understood or not?

Students discussing

Okay, and what is the ruling on this category. We are aware of this category, those whom the text has explicitly made Takfir upon individually. We said they are divided into two types, individuals, and groups.

The ruling on this category: That whoever doesn't make Takfir upon them individually, then he's a Kafir, & he's included immediately to begin with under this rule (3rd nullifier), why?

Student 1: Because it's known in the religion by necessity!

Shaykh: Excellent! And we firmly established this principle in the rule.

Student 2: Because there's an explicit text from the noble Qur'an.

Shaykh: Excellent, and due to considering these people Muslims, such an act is considered denying and opposing (the Qur'an).

So, does this issue have clearness or unclearness?

Clearness! This issue is precisely known, and likewise you can deduct from this, that every verse which Allah has judged upon with Kufr for everyone that denies something His verses or something from the Islamic rulings which the text has mentioned.

Is this clear, O Brothers? (*Students reply "Clear"*). Therefore, this is the first category & its ruling.

The Scholars, may Allah have spacious mercy upon them, have mentioned an Ijma' upon the Kufr of whoever doesn't make Takfir of this category or kind amongst the people.

Among those who have cited the Ijma' regarding that is Al-Qadhi 'Iyadh (رحمه الله) in his book "Al-Shida", and it's truly like what it's called, a Shifa' (cure), if the heart was purified and refined, indeed Allah will make these proofs a Shifa' (cure) for the doubts, and a Shifa' (cure) for everything that hangs in the mind of an individual.

Also, he (i.e., al-Qadhi 'Iyadh) has mentioned an Ijma' regarding the Kufr of whoever doesn't make Takfir upon anyone amongst the Christians and the jews, and everyone that distances himself from the religion of the Muslims, or halts in making Takfir upon them or doubts, he (i.e., Al-Qadhi 'Iyadh) said:

"Because the Tawqif (divine revelation) and Ijma' have unanimously agreed upon their Kufr – {ponder with me brothers} – so whoever halts regarding that – {i.e., whoever doubts or normalises of} – then he has denied the text or Tawqif (divine revelation)." This is what we founded as a principle a short while ago, that the Manat al-Kufri (what Kufr is tied to) in this nullifier is what?

Look at what Al-Qadhi 'Iyadh affirms, "for he has denied the text or Tawqif (divine revelation) or doubted in it and denying or doubting it doesn't occur except from a Kafir."

Therefore, we benefit from this citation several things.

That the Ijma' is firmly established regarding the Kufr of whoever doesn't make Takfir upon this kind, and we learnt the Manat al-Takfiri for this Nullifier (i.e., What Takfir is hanged upon in this nullifier), which is denying and opposing the judgement of Allah or denying the text of the Shari'ah.

Likewise, Shaykh Abu Butayn (رحمه الله) cited an Ijma' pertaining whoever doesn't make Takfir upon the Jews and Christians, wherein he said:

"The Muslims have unanimously agreed upon the Kufr of whoever doesn't make Takfir upon the Jews and Christians or doubts in their Kufr."

Take heed, "we also have assurance that most of them (Christians and Jews) are ignorant." Why? This matter is knowing from the religion by necessity, and the textual evidence is explicit and unanimously agreed upon, and there's not a single individual except that he has read the verses which are indicative of the Kufr of the Jews and Christians, or it has been recited to him.

Students discussing

Shaykh: Yes! Because this matter is clear, the text is explicit and agreed upon, so as we affirmed, we say that whoever falls into Major Shirk in the clear matters, where is the Ta'sil (principles we laid out), isn't it present with us.

For indeed it's a clear matter, and likewise agreed upon, and the text pertaining it is explicit so there's no way it could be unclear (concerning the Kufr of the Jews and Christians), and we mentioned right here, that the excuser of these (Kuffar), the text is clearly indicative of his Kufr, and he immediately falls under this nullifier, or this rule.

Of course, as we have affirmed, the Kufr of the Jews and Christians is considered to be known in the religion by necessity, none of the masses or Scholars are ignorant of it, in fact the belief of any individual is not valid until he believes in the invalidity of every religion that opposes Islam, thus this is the first category.

There's another matter which we mentioned, and perhaps we will reiterate it insha'Allah, and also in the future lessons: We mentioned that there is the clearness of the action and the clearness of the reality of its doer. And there is clearness of the action and unclearness of the reality of its doer. And there is unclearness of an action, so there's no doubt that they aren't upon a single level.

The **second category** from the categories that fall under this rule (3rd nullifier): ***Speech and actions which the text has made Takfir of those who adhere to it or act upon it.***

Such as Istighathah (seeking help and refuge) in other than Allah, the Exalted and Majestic, and sacrificing to other than Allah, prostrating to other than Allah, ruling by other than what Allah has revealed etc...and mocking Allah or the religion or the honest Messenger (صلى الله عليه وسلم), we will now address the details pertaining the ruling of this category, discuss.

Students speaking

Okay, excellent. You hastened (in our discussion), you mentioned a category and its correct Ta'sil (established principles) regarding it. We say, whoever halts or doubts in the Kufr of the committer of any of these nullifiers, then it does not escape these situations:

The first situation – and it is very precise – **that he refrains from making Takfir, due to considering what he fell into as not being Kufr**, meaning that he will tell you: Sacrificing to other than Allah is permissible, not Kufr, this individual is a Kafir to begin with, whether he is hesitant in the Kufr of such an individual or not, because he viewed that these actions which the text has clearly considered disbelief for whoever commits it as not being Kufr, and this is rejecting and denying the textual Shar'i evidence, that he doesn't make Takfir upon him due to considering what he fell into as not being Kufr.

Such as saying, sacrificing to other than Allah, or ruling by other than what Allah has revealed, or *Istighathah* (seeking help and refuge) from other than Allah is not Kufr and it's from that which Allah has made permissible. So, Kufr gets tagged along with this individual, we ask Allah for good health and well-being.

The second situation – pay attention to the difference, these are very precise matters: **that he refrains from making Takfir upon him whilst affirming that what this individual fell into is Kufr.**

Ruling by other than what Allah has revealed, he will say, I do not have the slightest of doubts that ruling by other than what Allah has revealed is Kufr.

He slaughtered to other than Allah, he will say, I do not have the slightest of doubts that this action is Kufr. However, he refrains from making Takfir upon him whilst affirming that what the individual fell into was Kufr. But he refrains from applying Takfir upon him due to the presence of a Mani' (prevention) which prevented him from applying the ruling upon the committer of Kufr. However, this is also not free from the following situations:

That the Mani' (impediment) which he mentioned is valid, and the application is correct. There, what do we understand from this, that there are Mawani' (impediments) that are valid and Mawani' (impediments) that are invalid. There are Mawani' that are valid and the application of it is incorrect, and there are Mawani' that are valid and the application of it is correct.

Therefore, it consists of different categories, discuss.

Student: Are the Murji'ah included in this (category)? They say, we know that ruling by other than what Allah has revealed is Kufr, however did this person make Istihlal (i.e., declare this action permissible) or not, so they don't make Takfir upon him until he declares it permissible?

Shaykh: Okay, I'll ask you right now, that this Mani' (impediment) which he cited, is it a valid or invalid Mani'?

Student: Invalid.

Shaykh: Then this doesn't have any consideration given to it to begin with, it's excluded from what we're discussing.

Because everyone that falls into Kufr, you will find he has ta'wil (misinterpretation). However not every ta'wil (misinterpretation) is accepted, and not every Mani' (impediment) is possible to be applied (in every situation).

For example: If you look towards the Mani' (impediment) of ignorance, you will find there are matters where the Scholars have unanimously agreed that the ignorance is not considered a Mani' (impediment) in it.

There are Mawani' (impediments) where the Scholars considered ignorance as a valid Mani' (impediment) in those issues.

So, the clearness and unclearness of the issue has an effect (on applying rulings).

For instance, a clear matter which is known in the religion by necessity, then the Scholars have said as we have established via principles and affirmed that whoever commits Shirk in the clear matters disbelieves. Regardless of whether he was ignorant or had a misinterpretation.

Therefore, I repeat. We mentioned the first refrainer, now we will repeat the second refrainer, that he refrains from making Takfir upon him whilst affirming that what this individual fell into was Kufr. However, he refrained from making Takfir upon the individual due to an impediment which prevented applying the ruling of Kufr upon the doer of Kufr.

Okay, I want to see if you guys are paying attention with me or not, (it seems) you're not paying attention? Is there a difference between the first refrainer and the second refrainer?

Student: Yes, of course.

Shaykh: What is the difference?

Student: The difference, is that the first person refrained due to NOT considering what he fell into was Kufr.

Shaykh: Excellent.

Student: This person has Kufr applied upon him.

Shaykh: Excellent, why?

Student: Because this person has denied the text.

Shaykh: Excellent, and what about the second person?

Student: As for the second person, then it's also established via the text, however he has a Mani' (impediment) with him. And if there was truly a Mani' (preventative upon the doer of Kufr). So, he doesn't make Takfir upon him, then he did nothing wrong.

Shaykh: The issue will be elaborated further, however right now I have understood your words, yes that's excellent. Because it's not possible to say here that this person didn't apply the ruling of the Shari'ah upon him (doer of Kufr), for indeed he (the individual) is a doer of Kufr. But he says: Yes, he committed Kufr. However, there was something which prevented the ruling (of Kufr) from falling upon him.

For instance, the one who is forced, he says a statement of disbelief, how come we don't call him a Kafir.

Students: Because he is being forced.

Shaykh: Because this Mani' (of Ikrah) prevented the ruling (of Kufr) from being applied upon him.

This is why this Mani' repels what's considered present (of Kufr) to being absent, is this clear? (*Student replies, "Clear"*).

The *Mawani'* (preventions of Takfir) my dear brothers, there are impediments which are taken into consideration in all matters of Iman and Kufr, such as Ikrah for example. There are impediments which are taken into consideration in some matters, not in others, and here is where mistakes occur, that you bring a Mani' (prevention of Takfir) which the Scholars accepted in a specific issue, and then generalise it upon the other issues, or vice versa.

Such as ignorance for example. The scholars take it into consideration in the unclear matters, it's necessary (to take it into consideration) if he was ignorant, so he is excused, and Kufr isn't tagged along with him until the Hujjah is established upon him, and he understands it.

Stipulating 'understanding' (of the hujjah) for example, you will find the Scholars affirming this in the unclear matters, so he generalises this stipulation, that some people amongst us came out and said: That the Tawaghit whose Kufr is shown, and their Kufr is perhaps known amongst the young and elderly, he says "Kufr isn't tagged along with him until you establish the Hujjah upon him."

The understanding of 'Hujjah' according to him is originally faulty, meaning that it's necessary to come, and sit with him, then afterwards show him the proof, and discuss with him concerning every proof, have you understood or not? Understood, so we will go to the other issue, you haven't understood, we will remain at the first until eternity.

The Prophets (على آله الصلاة والسلام) whom Allah has sent them as a Hujjah to mankind, and they weren't to be considered 'addresses' to begin with, and they are immediately considered a Hujjah to mankind when Allah sent them, infact the Prophet (صلى الله عليه وسلم) said the exact opposite of this (i.e., the Hujjah wasn't to simply address the Mushrikin) as it's narrated in Sahih Muslim from the hadith of Abi Hurayrah:

“By Him in Whose hand is the life of Muhammad, he who amongst the Ummah {What is meant by Ummah here is Ummat al-Da’wah (those who are invited to the call of Islam)} of Jews or Christians hears about me, {Look at how he hanged the matter, he hanged it on mere ‘hearing’}, but does not affirm his belief in that with which I have been sent and dies in this state (of disbelief), he shall be but one of the inhabitants of Hell-Fire.”

Yes, therefore there’s a difference between the refraining in the first situation and the refraining in the second situation, so the Kufr of the first situation is clear, and the Kufr of the second situation, we will mention its different circumstances, or in other words, what the second person fell into from refraining has different circumstances.

Student: Shaykh, are the Mawani’ (preventions of Takfir) able to be counted, or restricted to a specific number?

Shaykh: Yes, the Scholars have still remained mentioning them.

Student: In every time, it’s restricted or?

Shaykh: No, do not say at all times. Rather, some of the matters could become unclear in some societies, whilst being clear in others, and vice versa.

Student: Is it restricted to 4 (preventions), ignorance, misinterpretation, mistake, and coercion?

Shaykh: Yes, like ‘mistakes’ in this context is like...

Student: “You are my slave, and I am your Lord.”

Shaykh: Excellent, so here it’s called ‘slip of the tongue’, so this is what’s clarified as a ‘mistake, what does slip of the tongue mean? That you intend a wording or meaning, but what comes out from the tongue is another wording, and from the ‘mistakes’ is ‘not wanting to do an action (but accidentally did it)’.

Look, there’s a difference and don’t confuse between “intending to do the action in one’s heart (i.e., permitting Kufr)” and “intending to do the action (this is what he’s judged by, even if he doesn’t permit the Kufr act)”. For example: A man came to break a statue, so his foot slipped over a rock and fell in a position of prostration (towards the statue), this is an example.

This action by apparent is prostration and bending over, and the general basic principle regarding this bending over is that it’s one of humbleness, submission, and worship! However, what is it that prevents the ruling of being applied? Do not include Qasd (intending with one’s heart), the intending of the heart is whoever performs the action of prostration, he disbelieves even if didn’t intend Kufr in his heart, have you understood the difference?

There is “intending the action” and “intending it by the heart (by permitting it)”, what did the Murji’ah fall into? They said, he doesn’t become a Kafir until he intends it (allowed in his heart), and this is encounters the textual evidence of the Shari’ah!

Rather, **Ahlus-Sunnah affirm that Kufr consists of different types:** It could be through **speech, actions, beliefs, doubts, denial, turning away** etc.

But as for them, then no! They restricted it to belief in the heart! He prostrates: What is this action? Kufr. When does he disbelieve according to them? “Until he believes it’s permissible in his heart”, and this is the peak of *Irja’*, *Tajahhum* (extracted from the term Jahmiyyah), we ask Allah for good-health and well-being.

This person who prostrates takes the hukm (of Kufr), even if he didn’t intend it (to be fine) in his heart. However, this example that I mentioned (of accidentally tripping to bend over to a statue), this is where you mention ‘mistakes’, no ruling (of Kufr) is tagged onto him. Why?

Because it’s a mistake, and the action occurred without intending to do the action, pay attention to the difference. (Between) intending it with the heart and intending the action, there’s a difference – go ahead (speaking to the student).

Student: Such as the man in the desert (who found his camel).

Shaykh: Yes, excellent. We mentioned this, may Allah bless you. Yes excellent.

Therefore, this refrainer who affirms that what the specific individual fell into is that Kufr has different circumstances:

The first circumstance: That the Mani’ (impediment) he cited is valid and the application is correct, then this person isn’t included with us in the rule (3rd nullifier) to begin with, have you understood this?

Student speaking

Yes, excellent! A valid Mani’ (impediment), and a correct application, this person doesn’t get tagged with it to begin with, no ruling (of Kufr) gets tagged along with him, in order for us to say: There is someone who doesn’t make Takfir upon the Kafir, this isn’t included with us.

The second circumstance: That the Mani’ (impediment) isn’t valid, or that it’s valid and the application is incorrect. For instance, what’s an example for a Mani’ (impediment) which isn’t valid?

Student: Ignorance?

Shaykh: No, Ya Shaykh, what we say here is that the Mani' (impediment) is valid, but the application is incorrect, because ignorance is a valid Mani' (impediment), however it's only applicable in certain matters, I'm asking you for a Mani' (impediment) which is not valid, something which has no proof for it being a Mani' (impediment).

Such as if an individual says "excessive fear" which has no basis for it, or a man who does it for worldly benefit, there's a man who you ask, why did you join the army, the army of the Taghut? So, a man comes along and says, "O Man, this is a strange, poor, weak guy, he has children who he spends upon", right now he is citing a Mani' (impediment) which isn't valid.

What's intended is a valid Mani' (impediment) and the application is incorrect, it's a valid Mani' (impediment), however it isn't to be applied in these matters.

For example, you might come with "Jahl" (ignorance), and consider it a Mani' (impediment) in major Shirk, so we'll say to you, it's a valid Mani' (impediment) and the application is incorrect, because it's taken into consideration in some matters besides others, so what is the ruling upon such a person?

Student: To clarify it to him.

Shaykh: Excellent! We say that this person doesn't get the ruling applied upon him immediately, except after establishing the Hujjah and removed the doubts. Why didn't we say that the Manat (what Takfir is hanged upon) is fulfilled with him? Because he didn't deny (the text), he affirms that this action (the person fell into) is Kufr, however he says, there's a Mani' (impediment) which prevented applying the ruling of Kufr upon its doer.

Ya'ni, according to him to begin with, he says: "it hasn't been fulfilled with him to start with", or "the conditions haven't been fulfilled."

So here, we come towards what some of the brothers mentioned, they said "when does the misconception get removed and the Hujjah gets established?"

The Ta'sil (aforementioned principles) will be brought to us that we mentioned to you, so if the action was clear and the reality of the doer is clear, does the circle of establishing the Hujjah tighten or expand? It tightens! In fact, you may not find any loops for it (due to it being clear). If the action was clear, however the reality of the doer was unclear, in this case it expands.

There, let no one come and unrestrictedly claim establishing the Hujjah and removing misconceptions is required. Let no one come and completely abandon establishing the Hujjah and removing misconceptions. But rather, what we say is that this is according to the action and the reality of the doer.

Right now, an important issue will arise – **pay attention**: Applying the rulings upon the individuals is from the matters that require observations and *Ijtihad* of the one who is fit to determine the rulings in this topic, so whoever acquired this ability, it's permissible for him to delve and observe further into this matter, and whoever doesn't acquire this ability, then he's not allowed to do so.

Okay, but where is the proof for this? (*Asks students*)

Student: Doesn't this fall underneath giving Fatwa?

Shaykh: Yes it is issuing a Fatwa without a doubt. What is application? Is it knowledge or not? It's knowledge, and pay attention that we're talking about, "Whoever doesn't make Takfir upon the Kafir." The confusion within the issue of "Whoever doesn't make Takfir upon the Kafir" is more apparent and clearer than the one who actually falls into Kufr.

What we will address, is that the discussion concerning this nullifier revolves around 3 points. The one who commits Kufr to begin with, the one who refrains from making Takfir upon him, and the one who refrains from making Takfir upon the one who refrained (from making Takfir).

Ahlu-Sunnah do not give the same hukm upon the third person like the second person (the one who refrains on making Takfir upon the Kafir), and the words of Imam al-Malti (رحمه الله) will come shortly, wherein he spoke about the 'Aqidah of the Mu'tazilah in Basrah and the Mu'tazilah of Baghdad, and he differentiated between them, and we'll come to it, so don't hasten towards it.

However, understand that the 'Athir (refrainer) of the 'Athir (refrainer) doesn't get a ruling (of Kufr) tagged along with him, because according to Ahlu-Sunnah as it will be showed by a valuable precious citation from Imam al-Malti, as the TV hosts say, "in the next episode."

So, we mentioned applying rulings upon specific individuals and that it's from the matters that stop at the analysis and *Ijtihad* of the one suitable to make a judgement concerning this matter, so whoever acquired this ability, it's permissible for him to delve and observe further into this matter, and whoever doesn't acquire this ability, then he's not allowed to do so.

We said, what is the proof for that?

Student 1: Proof from the 'Aql (intellect).

Shaykh: The 'Aql?! Masha'Allah, Yallah Abu al-'Aql (*Shaykh is making a joke*).

Student 1: Since it returns back to being established via proof (from the text) and removing misconceptions, then this is not to be delved into except by a person who has knowledge surrounding the issue.

Student 2: There's a difference between the Asl (falling into Kufr itself) and the Far' (branch issue of the 3rd nullifier), so it's a condition that he's a person fit to determine rulings in it, such as (surrounding) someone who doesn't make Takfir (upon the doer of Kufr).

Shaykh: Yes, excellent. That's why whoever delves into other than his field, he will come with strange things, there is a divine command, where Allah, the Majestic and Exalted says:

فَسْأَلُوا أَهْلَ الذِّكْرِ إِنْ كُنْتُمْ لَا تَعْلَمُونَ

“Ask the people of knowledge...”, when? “...if you don't know...” [16:43]

If we come to know that this person acquires this ability and encompassed the knowledge surrounding this issue, there's no blame upon him in an Islamic aspect, however when is he blamed? When person hasn't encompassed the knowledge surrounding the issue, and delves into it, this is where faults are to be found.

I'll give an example right now: Let's say that there's a man who is suffering from a heart disease – May Allah give us and you and every Muslim well-being – then he faints on the floor quickly between us, and all of the people of this gathering knows that they don't have the ability or knowledge in medicine, nothing close or far to it. So, I rolled up my sleeves and said: “Give me the knife – may Allah have mercy upon you all – so that I may perform a surgery operation for this man”, is it permissible for me to do this or not permissible?

Students: Not permissible!

It's not permissible, subhan'Allah, all the people condemned this action of mine, despite the fact it relates to the life of a single human, so how about the case with the religion of an entire Ummah?!

Students: Allahu Akbar!

So that's why we say, whoever is eloquent in discussion, and possessed the ability then there's no rebuke upon him. However, the problem in the matters of application, is when someone who is not suitable to enter into it, delves into it and comes with strange things. This issue of ours, why do we say that it's required to make an analysis and the Ijtihad of one fit to determine a judgement?

Because he is the one who knows the Islamic ruling and the reality of the matter, because it's stipulated with us at all times in the matters related to Fatwa or matters of application or what's similar to that, that we have knowledge of the Islamic ruling in this specific issue and the reality of this issue in and of itself, the reality of the person falling into it, etc.

For example, at times, and you will even find this in the speech of the early generations, you will find that they possess the ability and are suitable to pass judgements, and they could differ with regards to a specific individual amongst the people, and examples will be brought to us regarding that.

Student: Pardon me Shaykh, I have a question. In a previous lesson, it was about fulfilling the Shurut (conditions of Takfir) and removal of Mawani' (preventatives of Takfir). So being fit to analyse this topic means you need to know when the conditions are fulfilled, and the preventatives are removed.

Shaykh: Yes, excellent. This is concerning the ruling according to the Shari'ah, and likewise the reality (of the matter).

In fact, at times, there could be a Scholar who knows the ruling with its details attached to it, however he is ignorant of the reality, so it becomes haram for him to apply rulings.

There could be a person who knows the reality with its edges and specific details, whilst he was ignorant of the Islamic ruling, it becomes haram for him to apply rulings, "He must combine between both", yes, the judgement of Allah in this issue and the reality of who he will apply the judgement of Allah and its true state of affairs.

Of course, the one fit to determine that ruling, we said that the matters can expand with regards to applying the Hujjah and removing misconceptions, likewise he must be someone fit to determine rulings (of the issue), and here his opinion is open to being correct and mistaken, so the correct view may be with whoever made Takfir and the mistaken one may be contrary to that, and it could be the other way around, the correct view may be with whoever gave an excuse, and the mistake is with who made Takfir, and vice versa, etc.

So, by this, we have finished today's lesson, and I apologise for taking longer. We'll finish it off in the next lesson tomorrow insha'Allah.

All praise belongs to Allah, and peace and blessings be upon the Messenger of Allah, and upon all of his household and companions, and those who followed them with excellence till the Day of Judgement.